

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY SD D.C.
05 DEC 16 AM 8:05
CLERK U.S. DISTRICT COURT
W.D. OF TENNESSEE

KEVIN S. TAYLOR,

Plaintiff,

VS.

RICHARD KENYON and
ANDY HAYNES,

Defendants.

No. 03-1188-T/An

ORDER GRANTING MOTION FOR JUDGMENT BY DEFAULT
AGAINST DEFENDANT RICHARD KENYON

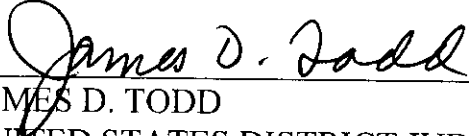
This action was filed by plaintiff Kevin S. Taylor, a prisoner acting *pro se*, pursuant to 42 U.S.C. § 1983. In the original complaint, five individuals were named as defendants. On October 29, 2003, the Court issued an order that, *inter alia*, dismissed all of the original defendants except Richard Kenyon. Kenyon filed an answer to the original complaint on March 1, 2004. On December 20, 2004, an order was issued by the United States Magistrate Judge giving plaintiff leave to amend and supplement his complaint. The amended and supplemental complaint, filed on January 3, 2005, added Andy Haynes as a defendant and contained additional allegations against defendant Kenyon.

Defendant Kenyon has failed to file a response to the amended complaint. Accordingly, on October 28, 2005 plaintiff filed a request for entry of default by the Clerk,

pursuant to Fed. R. Civ. P. 55(a). Default was entered by the Clerk on October 31, 2005. A motion for default judgment, pursuant to Rule 55(b), was filed on November 21, 2005.

As a default has been properly entered by the Clerk and there has been no response to the motion for default judgment, plaintiff's motion for default judgment is hereby GRANTED. However, a determination regarding any damages or injunctive relief to which plaintiff may be entitled with respect to defendant Kenyon will be deferred until the claims against defendant Haynes are resolved.

IT IS SO ORDERED.



JAMES D. TODD
UNITED STATES DISTRICT JUDGE
15 December 2005
DATE



Notice of Distribution

This notice confirms a copy of the document docketed as number 49 in case 1:03-CV-01188 was distributed by fax, mail, or direct printing on December 19, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT